

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

Determination of Royalty Rates and Terms
for Transmission of Sound Recordings by
Satellite Radio and “Preexisting”
Subscription Services (SDARS III)

Docket No. 16-CRB-0001-SR/PSSR (2018–
2022) (Remand)

**DECLARATION OF MARGARET WHEELER-FROTHINGHAM
IN SUPPORT OF MUSIC CHOICE’S BRIEF REGARDING PRIVILEGE ISSUES**

1. I am an attorney at Mayer Brown LLP, and am counsel for Music Choice in the above-captioned remand proceeding. I submit this declaration in support of Music Choice’s Brief Regarding Privilege Issues. I am fully familiar with the facts set forth in this declaration, and if called upon to testify could do so truthfully and competently.

2. Attached as **Exhibit A** is a true and correct copy of the 2017 nondisclosure agreement between Music Choice and Eisner Amper, produced by SoundExchange as “Restricted” under the terms of the Protective Order issued in this matter.

3. Attached as **Exhibit B** is a true and correct copy of the 2017 engagement letter between Mr. Stark and SoundExchange regarding the verification of Music Choice’s royalty payments, produced by SoundExchange as “Restricted” under the terms of the Protective Order issued in this matter.

PUBLIC VERSION

4. Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: August 12, 2021
New York, New York


Margaret Wheeler-Frothingham (NY Bar No. 5281191)

Exhibit A

RESTRICTED

Exhibit B

RESTRICTED

Proof of Delivery

I hereby certify that on Thursday, August 12, 2021, I provided a true and correct copy of the Declaration of Margaret Wheeler-Frothingham in Support of Music Choice's Brief Regarding Privilege Issues to the following:

American Association of Independent Music ("A2IM"), represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Sony Music Entertainment, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

SAG-AFTRA, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Johnson, George, represented by George D Johnson, served via ESERVICE at george@georgejohnson.com

Universal Music Group, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Warner Music Group, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Recording Industry Association of America, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

American Federation of Musicians of the United States and Canada, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

SoundExchange, Inc., represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Sirius XM, represented by Todd Larson, served via ESERVICE at todd.larson@weil.com

Signed: /s/ Paul Fakler